

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

In re:)	Case No.: 23-60243
)	
INEZ AVANELL CROWE,)	Chapter 13 Proceeding
)	
Debtor.)	JUDGE JOHN P. GUSTAFSON

**AMENDED MOTION FOR ALLOWANCE
OF A LATE FILING OF PROOF OF CLAIM**

NOW COMES the creditor, Teamsters Affiliates Pension Plan (hereinafter the “Plan”) through its attorney, and requests this Honorable Court to enter an Order allowing the Late Filing of a Proof of Claim by the Plan against the Debtor’s estate.

In support hereof, the Plan states as follows:

1. The Plan is a defined benefit plan that provides monthly retirement annuities to employees who worked for Affiliates of the International Brotherhood of Teamsters.
2. The Debtor, Inez Avanell Crowe, (hereinafter the “Debtor”), is the surviving spouse of plan participant Donald E. Crowe (“Mr. Crowe”), who died on September 1, 2022.
3. The Debtor did not inform the Plan of her husband’s death and the Plan continued to deposit a monthly annuity of \$658.00 in Mr. Crowe’s joint account with the Debtor.
4. The annuity did not provide a benefit for a surviving spouse, therefore, the Debtor was not entitled to the monthly annuity.
5. From October 2022 – August 2023, a total of \$7,238.00 was deposited into the Debtor’s account at Mechanics Bank ending in 75732.
6. The Plan learned of Mr. Crowe’s death in October 2023, stopped all deposits and sent the letter attached hereto as Exhibit A to the Debtor. At the time the letter was sent, the Plan was unaware that the Debtor had commenced bankruptcy proceedings in this Court.

7. According to the Debtor's Amended Schedules filed on April 17, 2023, the Mechanics Bank account ending in 75732 contained \$17,173.53 of which, \$7,238.00, belongs to the Plan.

8. The original deadline for filing a proof of claim in this action was May 15, 2023.

9. The Plan did not receive notice of the Debtor's bankruptcy proceeding until her daughter emailed the Plan on November 6, 2023. A copy of the email is attached hereto as Exhibit B.

10. The Plan now seeks to file a proof of claim (attached hereto as Exhibit C) in the amount of \$7,238.00.

11. The Plan's claim is a priority claim under 11 U.S.C. § 507(a) and is exempt from discharge under 11 U.S.C. § 523(a)(2).

12. Rule 3003(c) of the *Federal Rules of Bankruptcy Procedure* provides that the "court shall fix and for cause shown may extend the time within which proofs of claim or interest may be filed."

13. Further, as stated in *Pioneer Investment Services Company v. Brunswick Associates Limited Partnership*, 507 U.S. 380, 388 (1993). "Hence, by empowering the courts to accept late filings 'where the failure to act was the result of excusable neglect,' Rule 9006(b)(1), Congress plainly contemplated that the courts would be permitted, where appropriate, to accept late filings caused by inadvertence, mistake, or carelessness, as well as by intervening circumstances beyond the party's control."

14. "Excusable" is an equitable determination that takes account of circumstances such as "the danger of prejudice to the debtor, the length of the delay and its potential impact on judicial proceedings, the reason for the delay, including whether it was within the reasonable control of the movant and whether the movant acted in good faith." *See Pioneer*, 507 U.S. at 387.

15. To the extent that the Court may find that the Plan's failure to file their Proof of Claim in a timely manner amounted to neglect, it was "excusable" as defined above.

16. It is the Plan's position that the Debtor will not be prejudiced by the allowance of the late filing of the Proof of Claim.

WHEREFORE, the Plan requests that an Order Allowing the Late Filing of a Proof of Claim (as attached) be entered.

Dated: January 19, 2024

Respectfully submitted,

Teamsters Affiliates Pension Plan

By its attorney,

/s/ Melissa A. Brennan

Melissa A. Brennan, Esq.

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Admitted Pro Hac Vice 1/3/2024

CERTIFICATE OF SERVICE

I, Melissa A. Brennan, hereby certify that a true and correct copy of this Motion For Allowance of a Late Filing of Proof of Claim filed through the Court's CM/ECF system on January 19, 2024, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF)

Melissa A. Brennan mab@fdb-law.com, nr@fdb-law.com
Jonathon Carl Elgin jc@jcelgin.com, 9150504420@filings.docketbird.com
Joel K. Jensen midwestbk@dallegal.com
Dynele L Schinker-Kuharich DLSK@Chapter13Canton.com,
dschinkerkuharich@ecf.epiqsystems.com
United States Trustee (Registered address)@usdoj.gov

and paper copies will be sent via U.S. First-Class Mail to:

Inez Avaneil Crowe
2629 Lexington Ave.
Mansfield, OH 44904

Date: January 19, 2024

/s/ Melissa A. Brennan
Melissa A. Brennan, Esq.

SERVICE LIST

Capital One -Walmart Mastercard
P O Box 4069
Carol Stream, IL 60197-4069

Label Matrix for local noticing
0647-6
Case 23-60243-jpg
NorthernDistrictofOhio Canton
Wed Dec 20 14:12:52 EST 2023

Amex
Correspondence/Bankruptcy
Po Box 981540
El Paso, TX 79998-1540

Bank of America, N.A.
PO Box 673033
Dallas, TX 75267-3033

Chase Mortgage
Chase Records Center- Bankruptcy
Mail Code LA4 5555 700 Kansas Ln
Monroe, LA 71203

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by American InfoSource as agent
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Charlotte, NC 28272-1083

Canton
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Frank T Bow Federal Building
201 Cleveland Avenue SW Canton, OH
44702-1912

AscensionPoint Recovery Services
200 Coon Rapids Blvd
Minneapolis, MN 55433-5876

Capital Management Services, LP
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Citi/Sears
Citibank/Centralized Bankruptcy
Po Box 790034
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(p)JPMORGAN CHASE BANK N A
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MONROE LA 71203-4774

United States Bankruptcy Court
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Canton, OH 44702-1745

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Salt Lake City, UT 84131-0293

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c/o Quantum3 Group LLC
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EMBCC
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STOP CODE 3113
OMAHA NE 68102-1593

Huntington National Bank
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Columbus, OH 43234-0996

JPMorgan Chase Bank, N.A.
s/b/m/t Chase Bank USA, N.A.
c/o National Bankruptcy Services, LLC
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Addison, Texas 75001-9013

LVNV Funding, LLC
Resurgent Capital Services
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Greenville, SC 29603-0587

(p)DSNB MACY S
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O FALLON MO 63368-2239

Medicount Managment Inc
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Pittsburgh, PA 15250-7863

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

Speedway/SuperAmerica
Attn: Bankruptcy
Po Box 1590
Springfield, OH 45501-1590

Synchrony Bank/JCPenney
Attn: Bankruptcy
Po Box 965060
Orlando, FL 32896-5060

Synchrony Bank/Sams Club
Attn: Bankruptcy
Po Box 965060
Orlando, FL 32896-5060

The Huntington National Bank
PO Box 89424
Cleveland, OH 44101-6424

Wells Fargo Bank, N.A.
PO Box 10438, MAC F8235-02F
Des Moines, IA 50306-0438

Wells Fargo Card Services
PO BOX 77053
Minneapolis, MN 55480-7753

Wells Fargo Jewelry Advantage
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(d)First National Bank of Omaha
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